

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**KERRI L. VIERLING and LARRY M. VIERLING** **PLAINTIFFS**

**v.** **CAUSE NO. 1:15CV243-LG-RHW**

**JACKSON COUNTY, MISSISSIPPI, ET AL.** **DEFENDANTS**

**MEMORANDUM OPINION AND ORDER  
GRANTING MOTION TO DISMISS**

BEFORE THE COURT is the Motion [10] to Dismiss filed by Defendants Deputy Robert F. Kline, former Sheriff Mike Byrd, and former Sheriff Charles Britt, in their official capacities as officials of Jackson County, Mississippi. These defendants argue that claims against them in their official capacities are indistinguishable from the claims against Jackson County. Accordingly, they request dismissal of the official capacity claims. There has been no response filed to the Motion.

“[A]n official-capacity suit is, in all respects other than name, to be treated as a suit against the entity. It is not a suit against the official personally, for the real party in interest is the entity.” *Kentucky v. Graham*, 473 U.S. 159, 166 (1985) (internal citation omitted). Jackson County, “the real party in interest,” is before the Court. *Id.* Plaintiffs’ official capacity claims against Kline, Byrd and Britt are thus “duplicative or redundant” and subject to dismissal. *Pride v. City of Biloxi*, No. 1:10cv100, 2011 WL 5835109, at \*5 (S.D. Miss. Nov. 21, 2011) (citations omitted), *aff’d*, 552 F. App’x 334 (5th Cir. 2014).

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Motion [10] to

Dismiss filed by Defendants Deputy Robert F. Kline, Mike Byrd, and Charles Britt is **GRANTED**. Plaintiffs' claims against these Defendants in their official capacities are dismissed.

**SO ORDERED AND ADJUDGED** this the 18<sup>th</sup> day of November, 2015.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE